

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

COURTROOM PROCEEDINGS

The court met in its courtroom at 10:00 A.M. Present: Honorable Nickolas J. Dibiaso, Acting Presiding Justice; Honorable Rebecca A. Wiseman, Associate Justice; Honorable Gene M. Gomes, Associate Justice; and Kay Frauenholtz, Clerk/Administrator, by Robert Abilez, Senior Deputy Clerk.

F041055 People v. Lee

Cause called and argued by Dennis P. Riordan, Esq., counsel for appellant and by Daniel Bernstein, Esq., Deputy Attorney General, counsel for respondent.

Cause ordered submitted.

At this point Dibiaso, Acting P.J., Wiseman, J. and Gomes, J. leave the bench; they are replaced by Harris, Acting P.J., Buckley, J. and Dawson, J.

F035773 People v. Mouser

Cause called and argued by Dennis P. Riordan, Esq., counsel for appellant and by Maureen A. Daly, Esq., Deputy Attorney General, counsel for respondent.

Cause ordered submitted.

Court recessed until Thursday, January 15, 2004 at 1:30 P.M.

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The court reconvened in its courtroom at 1:30 P.M. Present:
Honorable Nickolas J. Dibiaso, Acting Presiding Justice; Honorable
Dennis A. Cornell, Associate Justice; Honorable Gene M. Gomes,
Associate Justice; and Kay Frauenholtz, Clerk/Administrator, by Lisa
J. Prosser, Senior Deputy Clerk.

F043009 Atwater Elementary School District v. California Office of Administration et al.

F041705 Atwater Elementary School District v. California Office of Administration et al.

F042519 Atwater Elementary School District v. California Office of Administration et al.

Cause called and argued by Thomas J. Driscoll, Esq., counsel for appellant and by John F. Kohn, Esq., counsel for amicus in support of appellant and by Stephen A. Mendyk, Esq., counsel for respondent, Atwater Elementary School District. Heather Cline Hoganson, Esq., counsel for respondent, California Office of Administration did not appear.

Cause ordered submitted.

Court recessed until Friday, January 16, 2004 at 10:00 A.M.

F041373 People v. Marzett
The judgment is affirmed. Harris, Acting P.J.

We concur: Buckley, J.; Dawson, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F043618 In re Adam B., a Minor

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

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F043618 In re Adam B., a Minor

The order terminating parental rights is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F039942 People v. Delaney

The judgment of conviction is reversed and the matter is remanded to the trial court with directions to comply with Code of Civil Procedure section 237, subdivisions (b), (c), and (d), as set forth above; to notify Jurors Nos. 2 and 6 that appellant is moving to obtain disclosure of their confidential identifying information; and that the former jurors may appear, contest, and object to the disclosure motion. The trial court shall hold a hearing to consider whether there is a compelling countervailing interest to prevent disclosure, and to consider the objections, if any, by the former jurors. Absent any compelling interest or objections by the former jurors, the trial court shall grant appellant's motion for disclosure of confidential juror information as to Jurors Nos. 2 and 6. The court shall also enter an order vacating its previous denial of appellant's motions for disclosure of confidential jury information, as evidentiary hearing and new trial.

Appellant may, no later than 30 days after the trial court grants the motion for disclosure, amend the moving papers he previously filed in support of his motion for new trial, to reflect information that may be obtained as a result of the disclosure of the identities of Jurors Nos. 2 and 6.

The trial court shall conduct further proceedings on the motion for new trial. If the trial court thereafter denies the motion for new trial, the judgment of conviction and sentence previously imposed shall be reinstated. If, however, the trial court grants such a motion, appellant shall be given a new trial. Levy, J.

We concur: Wiseman, Acting P.J.; Gomes, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F044176 Blanca M. v. The Superior Court of Kern County; Kern Co. Dept. of Human Services

The petition for extraordinary writ is denied. This opinion is final forthwith as to this court.

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By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F043385 Conservatorship of the Person and Estate of Linda D.
Ron Errea as Conservator, etc., v. Linda D.**

The matter is remanded to the trial court for preparation of written orders regarding special disabilities. In all other respects, the judgment and orders are affirmed. Dawson, J.

We concur: Harris, Acting P.J.; Buckley, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]